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EXAMINER

NGUYEN, PHUNG

ART UNIT PAPER NUMBER

2632

DATE MAILED: 08/27/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/064,691

Applicant(s)

TALUKDER ET AL.

Examiner

Phung T Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 7, "a first sensor signal" constitutes indefinite language.

Claims 2-6 are also rejected for incorporating the above deficiency by dependency.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyer et al. (U.S. Pat. 5,880,363) in view of Mendez et al. (U.S. Pat. 5,612,671).

**Regarding claim 1:** Meyer et al. disclose a process for checking air pressure in vehicle tires which comprises all subject matter as follows:

a. activating a first initiator signal from a first initiator 4 at a first tire location (figure 1, col. 3, lines 36-46);

b. generating a first sensor signal having a first tire identification<sup>and an initiate status</sup> (col. 4, lines 44-56);

c. receiving the first sensor signal (col. 4, lines 5-10);

Meyer et al. do not disclose storing the first sensor identification in the memory associated with the first of the plurality of the tire locations when the first sensor identification is not in the memory and repeating the steps of activating, generating, receiving and storing for each of the plurality of tire locations. However, Mendez et al. disclose a method of learning tire pressure transmitted ID comprising the algorithm for learning sender IDs and for recognizing a damaged sender represented by the flow charts of figures 3-7, col. 3, lines 66-67, and col. 4, lines 1-19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the technique of Mendez et al. in the system of Meyer et al. because they both teach a system for checking air pressure in vehicle wheel tires. The teaching of learning mode of Mendez et al. would increase the flexibility of Meyer et al. system by providing a method of learning the identification of individual tire mounted transmitters and of detecting damaged transmitters.

**Regarding claim 2:** Mendez et al. disclose generating a speed signal (col. 2, lines 62-67).

**Regarding claim 3:** Meyer et al. disclose the ignition signal indicates a run status (col. 2, lines 50-57).

**Regarding claim 4:** Mendez et al. disclose when the timer expires before receiving a first sensor signal, activating a fault indicator (col. 4, lines 49-60).

**Regarding claim 5:** Mendez et al. disclose generating a count corresponding to the number of times activating is performed without receiving the first sensor signal (col. 2, lines 65-67, and col. 3, lines 1-6).

**Regarding claim 6:** Mendez et al. disclose a spare tire (col. 2, lines 4-6).

**Regarding claim 7:** All the claimed subject matter is already discussed in respect to claim 1 above. Mendez et al. also teach confirming the first sensor signal and storing the tire identification in a memory associated with a location (col. 4, lines 32-40, and col. 5, lines 22-37).

**Regarding claim 8:** Refer to claim 4 above.

**Regarding claim 9:** Refer to claim 2 above.

**Regarding claim 10:** Refer to claim 3 above.

**Regarding claim 11:** Refer to claim 5 above.

**Regarding claim 12:** Mendez et al. teach a memory (col. 3, lines 19-24), plus the consideration of claim 7 above; Meyer et al. teach a plurality of initiators 4 fixedly attached to the vehicle (col. 3, lines 36-46) and a plurality of tires having a respective plurality of tire transmitters generating a respective plurality of transmitter identification signals (col. 4, lines 44-56).

**Regarding claim 13:** Mendez et al. disclose a counter for counting a number of activations (col. 2, lines 65-67, and col. 3, lines 1-6).

**Regarding claim 14:** Mendez et al. disclose generating a fault signal (col. 4, lines 49-60).

**Regarding claim 15:** Meyer et al. disclose the controller activates the plurality of initiators (col. 3, lines 36-45).

**Regarding claim 16:** Refer to claim 2 above.

**Regarding claim 17:** Refer to claim 3 above.

*Conclusion*

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Imao [U.S. Pat. 6,218,936] discloses a tire air pressure monitoring system.
- b. Konchin et al. [U.S. Pat. 5,790,016] disclose a tire pressure sensing system.
- c. Hopkins et al. [U.S. Pat. 6,498,967] disclose a tire initiated vehicle control system.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phung T Nguyen whose telephone number is 703-308-6252. The examiner can normally be reached on 8:00am-5:30pm Mon thru. Friday, with alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 703-308-6730. The fax numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-9051 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Examiner: Phung Nguyen

Date: August 17, 2003

  
DANIEL J. WU  
PRIMARY EXAMINER  
8/24/03